

SECTION 00440

SUBSTITUTIONS PRIOR TO BIDDING

PART 1 - GENERAL

1.1 DEFINITION

- A. This Section includes administrative and procedural requirements for handling requests for substitutions made prior to bid.
- B. Any product proposed by Contractor which does not meet requirements of the Contract Documents, whether in product characteristics, performance, quality, or manufacturer or brand names, is considered a substitution.

1.2 PRODUCT SELECTION - GENERAL

- A. Certain types of products are described in Project Manual by means of trade names, catalog numbers and/or manufacturer's names. This is not intended to exclude from consideration other products which may be capable of accomplishing purpose indicated.
- B. Other types of products may be considered acceptable to Government in place of those specified.
- C. Listing of a manufacturer implies acceptance of them only as supplier of a product which complies with specified item.
 - 1. See Section 01340 for definition of Base and Optional manufacturers.
- D. No substitution permitted after execution of contract, except as allowed in Section 01640.
- E. Conditional bids and voluntary alternates will not be considered.

1.3 REQUESTS FOR SUBSTITUTION

- A. Only written requests with complete data for evaluation will be considered.
 - 1. Request must be received at least 10 calendar days prior to bid date.
 - 2. Requests received late will not be considered.
 - 3. Submit evaluation data with attached form to the Government's Contracting Officer.
- B. In making request for substitution, supplier and Contractor represent:
 - 1. Has personally investigated proposed product or method, and have determined that it is equal or superior in all respects to that specified, and that it will perform intended function.
 - 2. Will provide same warranty for substitute item as for product or method specified.
 - 3. Will coordinate installation of accepted substitution into Work, to include building modifications if necessary, making such changes as may be required for Work to be complete in all respects.
 - 4. Waive all claims for additional costs or time related to substitution which subsequently become apparent or caused by substitution.
 - 5. Will pay all redesign cost and other costs caused by substitution.
 - 6. Proposed substitution is in full compliance with applicable code requirements.
 - 7. Acknowledge acceptance of these provisions in request.
- C. For bidding purposes ; base all bids on materials, equipment and procedures specified or approved by Addenda.
- D. Addenda listing approved substitutions will be published.
- E. No verbal or written approvals other than by Addenda will be valid.
- F. Contractor sign request in space provided on form acknowledging it's acceptance of terms.

1.4 SUBSTITUTION REQUEST PRIOR TO BIDDING

- A. Contractor submit complete data substantiating compliance of proposed substitution with Contract Documents.
- B. For products:
 - 1. Product identification, including manufacturer's name.
 - 2. Manufacturer's literature, marked to indicate specific model, type, size, and options to be considered:
 - a. Product description.
 - b. Performance and test data.
 - c. Reference standards.
 - d. Difference in power demand, air quantities, etc.
 - e. Dimensional differences from specified unit.
 - 3. Full size samples if requested.
 - 4. The Government reserves right to retain sample until physical units are installed on project for comparison purposes.
 - 5. Requester pay all costs of furnishing and return of samples.
 - 6. The Government is not responsible for loss of, or damage to, samples.
 - 7. Name and address of at least 5 similar projects and name of Owner's representative the Government can contact; to discuss product, installation, and field performance data.
- C. For construction methods:
 - 1. Detailed description of proposed method.
 - 2. Illustrate with drawings.
- D. Itemized comparison of proposed substitute to specified item; indicate variations.
- E. Effect and changes required on separate or other contracts.
- F. Availability of maintenance and repair services, and sources of repair or replacement items.

1.5 REJECTION OF SUBSTITUTIONS

- A. Substitutions will not be considered if:
 - 1. They are not submitted in accord with this document.
 - 2. Acceptance will require substantial revision of Contract Documents, or building spaces.
 - 3. Request for substitution does not indicate specific item for which request is submitted.
 - 4. Request form is not properly executed.
 - 5. Acceptance of manufacturer only will not be made.
 - 6. Insufficient information submitted.

END OF DOCUMENT